

Judge Rothstein

CERTIFICATE OF SERVICE
 I certify that a copy of the foregoing document to which this certificate is attached was served on the attorney(s) of record for defendant(s) via teletype mail/personal delivery on the 27th day of AUGUST, 2001.

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 WESTERN DISTRICT OF WASHINGTON
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CR 01 00171 #00000013

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

NAZIYR YISHMAEL,

Defendant.

NO. CR01-171BJR

GOVERNMENT'S SENTENCING
MEMORANDUM

The United States of America, by Francis J. Diskin, United States Attorney, and Kurt P. Hermanns, Assistant United States Attorney for the Western District of Washington, respectfully submits the following sentencing memorandum.

1. PROCEDURE

Naziyr Yishmael was charged by Information filed on May 9, 2001. On May 31, 2001, he pleaded guilty to bank embezzlement in violation of 18 U.S.C. § 657. He is scheduled to be sentenced on August 31, 2001.

2. FACTS

Defendant was an employee in the ATM Reconciliation Department of Boeing Employees' Credit Union (BECU), Tukwila, Washington. His responsibilities included maintaining a general ledger which tracked and reconciled errors occurring between BECU and its ATM service provider. He also maintained a BECU general ledger account for ATM receivables. Over an eight-month period the defendant used the two

BECU general ledger accounts to embezzle funds and to cover up those thefts from BECU. In accomplishing his embezzlements, defendant gave co-workers falsified reports to post to actual transactions, he obtained co-workers passwords and teller numbers to conceal his transactions, and he asked co-workers to make false entries for him which further concealed his thefts. The defendant converted about \$85,000 to his own personal use.

The government agrees with the factual statements in the PSIR. No evidentiary hearing is necessary.

3. SENTENCING GUIDELINES

The government agrees with the sentencing guidelines applications set forth in the PSIR. They include:

Base offense level [USSG § 2B1.1]	4
Loss adjustment [USSG § 2B1(b)(1)(I)]	8
More than minimal planning [USSG § 2B1.1(b)(4)(A)]	2
Acceptance of responsibility [USSG § 3E1.1(a)]	<u>-2</u>
TOTAL OFFENSE LEVEL	12

Criminal History Category II

4. GOVERNMENT'S RECOMMENDATION

The Government agrees with the Probation Department's sentencing recommendation.

DATED this 27th day of August 2001.

FRANCIS J. DISKIN
United States Attorney


KURT P. HERMANN'S
Assistant United States Attorney